

LAW OFFICES  
**BERCOW & RADELL**  
PROFESSIONAL ASSOCIATION

FIRST UNION FINANCIAL CENTER, SUITE 850  
200 SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131

DIRECT: 305-377-6235  
E-MAIL: [BFERNANDEZ@BRZONINGLWA.COM](mailto:BFERNANDEZ@BRZONINGLWA.COM)

JEFFREY BERCOW  
BEN J. FERNANDEZ  
MICHAEL W. LARKIN  
GRAHAM C. PENN  
MICHAEL E. RADELL

JANA K. McDONALD  
OF COUNSEL

TELEPHONE (305) 374-5300  
FAX (305) 377-6222

*Franklin  
for sale  
BCC 1/23  
Taubman*

**VIA FACSIMILE & HAND DELIVERY**

January 21, 2003

Ms. Lynne Talleda, Supervisor  
Zoning Hearing Section  
Miami-Dade County  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

**RECEIVED**  
01-401  
JAN 21 2003

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY 

**RE: Joseph Taubman, Trustee (PH 01-401)**

Dear Ms. Talleda:

This law firm represents the Applicant with respect to the referenced application that is scheduled as item number 1 on the Thursday, January 23, 2003 Board of County Commissioners agenda. The purpose of this correspondence is to advise you that, on behalf of the Applicant/Appellant, we intend to request that this item be remanded to Community Zoning Appeals Board 14 for further consideration, with leave to amend. The purpose of this request will be to permit the Applicant to modify the proffered site plan to reduce the proposed number of homes, and proffer a covenant addressing impact on educational facilities. Accordingly in order to expedite matters and avoid unnecessary delay, we would appreciate your allowing us to request the remand at the beginning of Thursday's agenda.

Ms. Lynn Talleda  
January 21, 2003  
Page 2

Please call me should you have any questions regarding this request.  
Thank you for your attention to this matter.

Sincerely

  
Ben Fernandez

BF/JB/bl

cc: Ms. Diane O'Quinn Williams  
Mr. Alberto Torres  
Mr. Eric Reardon  
Jeffrey Bercow, Esq.

LAW OFFICES

**BERCOW & RADELL**

PROFESSIONAL ASSOCIATION

FIRST UNION FINANCIAL CENTER, SUITE 850  
200 SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131DIRECT LINE: (305) 377-6225  
E-MAIL: BFERNANDEZ@BRZONINGLAW.COMJEFFREY BERCOW  
BEN J. FERNANDEZ  
MICHAEL W. LARKIN  
GRAHAM C. PENN  
MICHAEL E. RADELLJANA K. McDONALD  
OF COUNSEL*Shooker  
for file  
ASAP  
BCC 1/24/03  
J. Taubman*TELEPHONE (305) 374-5300  
FAX (305) 377-6222VIA FACSIMILE & HAND DELIVERY

January 9, 2003

Ms. Lynne Talleda  
Zoning Hearings Section Supervisor  
Department of Planning & Zoning  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, FL 33128**RECEIVED**  
01-401  
JAN 09 2003ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.BY *[Signature]*

RE: J. Taubman et al. - Public Hearing Number 01-401

Dear Ms. Talleda:

The purpose of this letter is to advise you that the applicant intends to present expert testimony at the public hearing concerning the captioned matter scheduled before the Board of County Commissioners on January 23, 2003.

Ms. Tabitha Fazzino of Creative Land Development will be testifying as to issues concerning area schools, new school construction and projected school utilization rates.

Sincerely,

*[Signature]*  
Ben Fernandez

BF/bl

LAW OFFICES  
**BERCOW & RADELL**

PROFESSIONAL ASSOCIATION

FIRST UNION FINANCIAL CENTER, SUITE 850  
200 SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131

JEFFREY BERCOW  
BEN J. FERNANDEZ  
MICHAEL W. LARKIN  
GRAHAM C. PENN  
MICHAEL E. RADELL  
MARK A. ROTHENBERG

TELEPHONE (305) 374-5300  
FAX (305) 377-6222

DIRECT LINE: (305) 377-6235  
E-MAIL: [BFERNANDEZ@BRZONINGLAW.COM](mailto:BFERNANDEZ@BRZONINGLAW.COM)

JANA K. McDONALD  
OF COUNSEL

**VIA FACSIMILE**

June 26, 2002

Ms. Lynn Talleda  
Supervisor, Zoning Hearing Section  
Miami-Dade County  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

**RECEIVED**  
JUL - 1 2002  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

**Re: Public Hearing Number 01-401  
14.13 Acres located between SW 208<sup>th</sup> Street & SW 133<sup>rd</sup> Court**

Dear Ms. Talleda :

This shall serve as the applicant's amended letter of intent with respect to the reference application. The Applicant hereby withdraws the request for special exception for site plan approval. The Applicant intends to utilize Severable Use Rights and will proffer a Declaration of Restrictions that will require development of the property in accordance with the site plans submitted with the application.

Thank you for your attention to this matter.

Sincerely,

  
Ben Fernandez

BF/bl

cc: Bob Coleman

EXHIBIT A

Legal Description

PARCEL 1

The East  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  in Section 11, Township 56 South, Range 39 East, Miami-Dade County, Florida.

AND:

PARCEL 2

The East  $\frac{1}{2}$  of the S.W.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  and the West  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$ , less the East the 181 feet of the South  $\frac{1}{2}$  thereof, in Section 11, Township 56 South, Range 39 East, Miami-Dade County, Florida.

LAW OFFICES  
**BERCOW & RADELL**  
PROFESSIONAL ASSOCIATION

FIRST UNION FINANCIAL CENTER, SUITE 850  
200 SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131

JEFFREY BERCOW  
BEN J. FERNANDEZ  
MICHAEL W. LARKIN  
GRAHAM C. PENN  
MICHAEL E. RADELL  
MARK A. ROTHENBERG

JANA K. McDONALD  
OF COUNSEL

DIRECT LINE: (305) 377-6235  
E-MAIL: BFERNANDEZ@BRZONINGLAW.COM

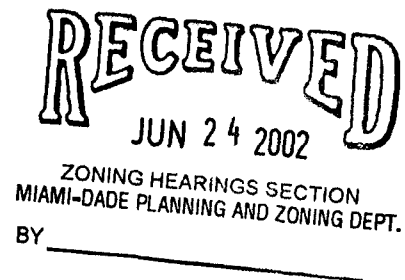
TELEPHONE (305) 374-5300  
FAX (305) 377-6222

*Bob for file*

**VIA FACSIMILE & US MAIL**

June 18, 2002

Ms. Lynn Talleda  
Supervisor, Zoning Hearing Section  
Miami-Dade County  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, Florida 33128



**Re: Public Hearing Number 01-401  
14.13 Acres located between SW 208<sup>th</sup> Street & SW 133<sup>rd</sup> Court**

Dear Ms. Talleda :

This shall serve as the applicant's amended letter of intent with respect to the reference application. The Applicant hereby withdraws the request for special exception for site plan approval. The Applicant intends to proffer a Declaration of Restrictions that will require development of the property in accordance with the site plan submitted with the application. Accordingly, we would appreciate your scheduling this application for public hearing as soon as possible.

Thank you for your attention to this matter.

Sincerely,

*B-ff*  
Ben Fernandez

BF/bl

cc: Bob Coleman

LAW OFFICES

**BERCOW & RADELL**

PROFESSIONAL ASSOCIATION

FIRST UNION FINANCIAL CENTER, SUITE 850  
200 SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131

DIRECT (305) 377-6227  
EMAIL: MROTHENBERG@BRZONINGLAW.COM

TELEPHONE (305) 374-5300  
FAX (305) 377-6222

JEFFREY BERCOW  
BEN J. FERNANDEZ  
MICHAEL W. LARKIN  
GRAHAM C. PENN  
MICHAEL E. RADELL  
MARK A. ROTHENBERG

JANA K. McDONALD  
OF COUNSEL

**RECEIVED**  
NOV 07 2001

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

November 9, 2001

Ms. Lynn Talleda  
Supervisor, Zoning Hearing Section  
Miami-Dade County  
Stephen P. Clark Center  
111 N.W. 1st Street, 11th Floor  
Miami, Florida 33128

**Re: Joseph Taubman, Trustee, and Delco Enterprises Inc.  
SW 208th Street and S.W. 133rd Court**

Dear Ms. Talleda:

This law firm represents Eric Reardon, Trustee, Joseph Taubman, Trustee, and Delco Enterprises, Inc. (collectively referred to as the "Applicant") with respect to the referenced property (the "Property") which is the subject of the enclosed application. This letter shall serve as the Applicant's initial Letter of Intent.

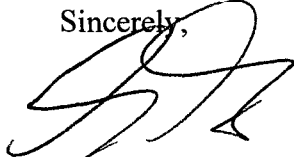
Property. The Property is approximately 14.13 acres in size and is located on the north side of S.W. 208th Street between S.W. 133rd Court and S.W. 132nd Avenue. The Property is zoned AU and is designated for Low Density Residential on the Comprehensive Development Master Plan Land Use Map.

Rezoning. The Applicant is requesting a rezoning of the Property from AU ("Agricultural") to EU-M ("Estate Density Modified"). The Applicant's site plan proposes 31 single-family homes for the property with a residential density of 2.19 Units per acre. Lot sizes will vary with some lots having a minimum lot size of 15,000 square feet and some lots having a minimum lot size of 12,500 square feet. The Applicant intends to utilize Severable Use Rights in order to develop the smaller lots.

Ms. Lynn Talleda  
November 9, 2001  
Page 2

For all the foregoing reasons, the Applicant requests your favorable review and recommendation. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Mark A. Rothenberg

**RECEIVED**  
NOV 07 2001

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

10/22/2001 15:40 POINC DEVELOPMENT CO → 3053776222

NO.693 0013

## EXHIBIT "A"

The East ½ of the Southeast ¼ of the Southeast ¼ of the Northwest ¼, S11, T56S,  
R39E, Miami-Dade County, Florida.

C:\My Documents\USA'S DOCS\Reardon\5190.03\Exhibit A - Legal.wpd

**RECEIVED**  
NOV 07 2001

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

## EXHIBIT "B"

ESCROW TERMSRECEIVED  
NOV 07 2001ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

1. Deposits.

Escrow Agent shall receive and hold the Initial Deposit and the Additional Deposit ("Escrow Funds") in an interest bearing trust account at an FDIC member bank..

2. Terms of Escrow.

The Escrow Funds when received shall be held and disbursed in accordance with the joint direction of Buyer and Seller or otherwise pursuant to Court order, except that if Buyer terminates the Agreement pursuant to paragraph 17. Escrow Agent shall deliver the Initial Deposit and interest earned thereon to Buyer. In the event of default by Buyer, the Escrow Funds and interest earned thereon shall be paid to Seller.

3. Provisions Regarding Escrow Agent.

A. Seller and Buyer agree that Escrow Agent's duties hereunder shall be entirely administrative and not discretionary and that Escrow Agent shall have no liability to Seller and Buyer as a result of any action taken, or any omission to act, by Escrow Agent hereunder in good faith. In the event of a dispute between Seller and Buyer, or if any legal question arises in connection with the administration of this Escrow, Escrow Agent shall (i) disburse the Escrow Funds in accordance with a written mutual agreement or (ii) deposit the Escrow Funds or any portion thereof held by Escrow Agent in the registry of any court of competent jurisdiction, pursuant to an action of interpleader.

B. Seller and Buyer agree to reimburse Escrow Agent for all liability and expenses incurred by it, and to hold it harmless from any and all claims, demands, injuries and damages arising out of or in connection with its duties hereunder.

10/22/2001

15:40

POINCO... DEVELOPMENT CO → 3053776222

NO.693 0015

C. The parties acknowledge that Escrow Agent is the law firm representing one of the parties, and hereby agree that such law firm may continue to represent said party in any litigation pursuant to the Agreement.

4. Notices. All notices, communications, requests or other demands required or permitted to Escrow Agent shall be hand delivered, telecopied, with electronic proof of transmittal and receipt, sent by certified mail, return receipt requested or by overnight delivery service.

LAW OFFICES  
**BERCOW & RADELL**

PROFESSIONAL ASSOCIATION

FIRST UNION FINANCIAL CENTER, SUITE 850  
200 SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131

JEFFREY BERCOW  
BEN J. FERNANDEZ  
MICHAEL W. LARKIN  
GRAHAM C. PENN  
MICHAEL E. RADELL  
MARK A. ROTHENBERG

JANA K. McDONALD  
OF COUNSEL

TELEPHONE (305) 374-5300  
FAX (305) 377-6222

November 7, 2001

Ms. Lynn Talleda  
Supervisor, Zoning Hearing Section  
Miami-Dade County  
Stephen P. Clark Center  
111 N.W. 1st Street, 11th Floor  
Miami, Florida 33128

**Re: Joseph Taub, Trustee, and Delco Enterprises Inc.  
SW 208th Street and S.W. 133rd Court**

Dear Ms. Talleda:

This law firm represents Eric Reardon, Trustee, Joseph Taub Trustee, and Delco Enterprises, Inc. (collectively referred to as the "Applicant") with respect to the referenced property (the "Property") which is the subject of the enclosed application. This letter shall serve as the Applicant's initial Letter of Intent.

Property. The Property is approximately 14.13 acres in size and is located on the north side of S.W. 208th Street between S.W. 133rd Court and S.W. 132nd Avenue. The Property is zoned AU and is designated for Low Density Residential on the Comprehensive Development Master Plan Land Use Map.

Rezoning. The Applicant is requesting a rezoning of the Property from AU ("Agricultural") to EU-M ("Estate Density Modified"). The Applicant's site plan proposes 31 single-family homes for the property with a residential density of 2.19 Units per acre. Lot sizes will vary with some lots having a minimum lot size of 15,000 square feet and some lots having a minimum lot size of 12,500 square feet. The Applicant intends to utilize Severable Use Rights in order to develop the smaller lots.

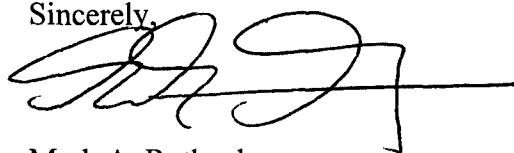
**RECEIVED**  
NOV 07 2001

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

For all the foregoing reasons, the Applicant requests your favorable review and recommendation. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Rothenberg', with a long horizontal line extending to the right.

Mark A. Rothenberg

**EXHIBIT A**

Legal Description

PARCEL 1

The East  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  in Section 11, Township 56 South, Range 39 East, Miami-Dade County, Florida.

AND:

PARCEL 2

The East  $\frac{1}{2}$  of the S.W.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  and the West  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$ , less the East the 181 feet of the South  $\frac{1}{2}$  thereof, in Section 11, Township 56 South, Range 39 East, Miami-Dade County, Florida.